

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Yisueh Sung Tung, et al

Docket: H0005304

Serial Number: 10/626,997

Group Art Unit: 1621

Filed: July 25, 2003

Examiner: Chukwuma O. Nwaonicha

For: PROCESS FOR THE MANUFACTURE OF 1,3,3,3-TETRAFLUOROPROPENE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION

--or--

PETITION TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION

MAIL STOP: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request a withdrawal of the holding of abandonment in the above-identified application, based on Applicant's failure to receive an Office Action mailed by the USPTO. It is submitted that this abandonment was caused by the USPTO's failure to notify Applicants that the Office Action was returned to the USPTO's mail center, where it remained for several months until the present application became abandoned.

An Office Action in the present application was mailed by on December 1, 2005. This Office Action was returned by the U.S. Postal Service to the USPTO. A notice was marked "returned to sender" by the U.S. Postal Service, as is shown by the pointing finger stamped on the envelope, a copy of which is provided in Exhibit A, attached herewith. The envelope was then received back at the USPTO mail center on December 19, 2005, as can be seen by the stamp on the upper right side of the envelope, shown in

Exhibit A. This envelope and its receipt date appears on-line via the USPTO PUBLIC PAIR system. Thereafter, no effort was made by the USPTO to inform Applicant that this document was returned to the USPTO. The document remained at the USPTO until after the application became abandoned on June 2, 2006.

A telephone call from Examiner Nwaonicha was received by one of Applicant's attorneys, Richard S. Roberts, on or about July 10, 12 and 20, 2006, informing Applicant that this application had become abandoned. The above circumstances were explained to the Examiner, yet he takes the position that this application remains abandoned. However, Applicant urges that the abandonment was caused by a USPTO error, since they were in possession of the returned mail as of December 19, 2005, in sufficient time to notify Applicant of the returned Office Action prior to the June 2, 2006 date of abandonment.

Pursuant to the requirements for this petition, it is hereby submitted that no information relating to the Office Action of December 1, 2005 was present in the Applicant's file jacket prior to being informed by Examiner Nwaonicha of the application's abandonment. Furthermore, no information relating to this Office Action was entered into the docket records for this application. Exhibit B provides a copy of the docket record where the non-received Office Action would have been entered, had it been received and docketed by Applicant. As Exhibit B shows, the last action documented in this docket record was the completion of an Amendment on August 15, 2005.

For all the above reasons, it is submitted that Applicant has met its burden of proof, and a withdrawal of the holding of abandonment is respectfully requested. No fee is required for this petition to Withdraw Holding Of Abandonment Based On Failure To Receive an Office Action. In the event this petition is granted, it is requested that the application be restored to pending status, and a response to the final Office Action be entered in the form of the attached Notice of Appeal and corresponding Appeal Brief. Accordingly, the Commissioner is authorized to charge the Notice of Appeal fee of \$500.00 under 37 CFR 41.20(b)(1), and the Appeal Brief fee of \$500.00 under 37 CFR 41.20(b)(2) to Deposit

Account 01-1125. In the event that any additional fees are necessitated by this paper, the Commissioner is authorized to charge those fees to Deposit Acct. No. 01-1125.

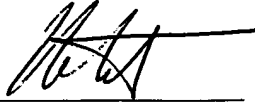
#### ALTERNATIVE PETITION

In the event that the above petition is denied, Applicants submit that this petition be considered to be a petition for the revival of this application, as being abandoned unintentionally under 37 CFR 1.137(b). As stated above, the Office Action of December 1, 2005 was returned to the USPTO with no further notice to Applicant, and it remained there until after the application became abandoned. Applicants therefore submit that the entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional. In the event that the Commissioner grants this petition for revival under 37 CFR 1.137(b), a response to the Office Action of December 1, 2005 is attached herewith, in the form of a Notice of Appeal and corresponding Appeal Brief. Accordingly, the Commissioner is authorized to charge the petition fee of \$1500.00 under 35 U.S.C. 1.17(m), the Notice of Appeal fee of \$500.00 under 37 CFR 41.20(b)(1), and the Appeal Brief fee of \$500.00 under 37 CFR 41.20(b)(2) to Deposit Account 01-1125. In the event that any additional fees are necessitated by this paper, the Commissioner is authorized to charge those fees to Deposit Acct. No. 01-1125.

In the event that the Commissioner determines that an additional extension of time or any other fee is required in order for this submission to be timely, it is requested that this submission include a petition for an additional extension for the required length of time and the Commissioner is authorized to charge any other fees necessitated by this paper to

Deposit Acct. No. 01-1125.

Respectfully submitted,



Richard S. Roberts  
Reg. No. 27,941  
P.O. Box 484  
Princeton, New Jersey 08542  
(609) 921-3500  
Date: August 10, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage pre-paid in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on August 10, 2006.



Richard S. Roberts  
Reg.No. 27941

EXHIBIT A

TC1600 REMSEN

Organization Bldg/Room

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450

Alexandria, VA. 22313-1450

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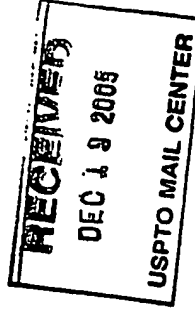
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*To: Vpt Hayes  
PTO-Abb*

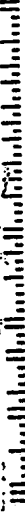


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